

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRYAN JONES

Plaintiff,

v.

OAKLAND COUNTY GOVERNMENT,

Defendant.

Case No. 17-cv-10139

Honorable Laurie J. Michelson

Magistrate Judge Stephanie Dawkins Davis

**ORDER ACCEPTING REPORT AND RECOMMENDATION [25] AND
GRANTING DEFENDANT’S MOTION TO DISMISS [14]**

Before the Court is Magistrate Judge Stephanie Dawkins Davis’ February 16, 2018, Report and Recommendation. (R. 25.) At the conclusion, Magistrate Judge Dawkins Davis notified the parties that they were required to file any objections within fourteen days of service, as provided in Federal Rule of Civil Procedure 72(b)(2) and Eastern District of Michigan Local Rule 72.1(d), and that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” (R. 25, PID 300.) Objections were due on March 7, 2018. It is now March 13, 2018. As such, the time to file objections has expired. No objections have been filed.¹

The Court finds that the parties’ failure to object is a procedural default, waiving review of the Magistrate Judge’s findings by this Court. In *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981), the Sixth Circuit established a rule of procedural default, holding that “a party shall file objections with the district court or else waive right to appeal.” And in *Thomas v. Arn*, 474 U.S. 140, 144 (1985), the Supreme Court explained that the Sixth Circuit’s waiver-of-

¹ The Court recognizes that the docket reflects a February 26 filing from Jones, styled as a “STATUS UPDATE MANIFESTO.” (R 26.) But Jones signed the sixteen-page, handwritten filing on February 10, 2018. (R. 26, PID 312.) So it not responsive to the Report and Recommendation.

appellate-review rule rested on the assumption “that the failure to object may constitute a procedural default waiving review even at the district court level.” 474 U.S. at 149; *see also* *Garrison v. Equifax Info. Servs., LLC*, No. 10-13990, 2012 WL 1278044, at *8 (E.D. Mich. Apr. 16, 2012) (“The Court is not obligated to review the portions of the report to which no objection was made.” (citing *Thomas*, 474 U.S. at 149–52)). The Court further held that this rule violates neither the Federal Magistrates Act nor the Federal Constitution.

The Court therefore finds that the parties have waived further review of the Magistrate Judge’s Report and accepts her recommended disposition. It follows that the motion to dismiss filed by Oakland County Government (R. 14) is GRANTED. Accordingly, the case is dismissed without prejudice.

SO ORDERED.

Dated: March 13, 2018

s/Laurie J. Michelson
LAURIE J. MICHELSON
U.S. DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court’s ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 13, 2018.

s/Shawna C. Burns, on behalf of
Keisha Jackson, Case Manager to the
Honorable Laurie J. Michelson